



IN THE MATTER OF:

Complainant,

and

Respondent.

Charge No.: 2003CN3824

EEOC No.: N/A

ALS No.: 04-190

RECOMMENDED ORDER AND DECISION

On May 10, 2004, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Maria Mitchell. That complaint alleged that Respondent, Randy Crowley, sexually harassed Complainant.

This matter now comes on to be heard on Respondent's motion to dismiss the complaint. Although she was served with the motion, Complainant failed to file any written response. The time for filing such a response has passed. In addition, Complainant failed to appear at the scheduled hearing on the motion. As a result, the matter is ready for decision.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. The initial status hearing in this case was scheduled for June 17, 2004. Complainant did not appear at the scheduled time. Respondent appeared *pro se*. Respondent was given leave to file a motion to dismiss and a hearing on the motion was scheduled for July 22, 2004 at 2:00 p.m.

2. On July 22, 2004, Respondent failed to appear. His motion to dismiss therefore was denied. Complainant appeared *pro se* and requested time to obtain an attorney. A new status date was scheduled for August 19, 2004 at 2:00 p.m.

3. Respondent failed to appear at the August 19 status hearing. However, he contacted the Commission's office by telephone to explain his inability to appear. Complainant appeared *pro se*. A new status hearing was scheduled for September 23, 2004 at 2:00 p.m.

4. Complainant failed to appear on September 23 or to contact the Commission to explain her failure to appear. Respondent appeared *pro se* and was given leave to file a motion to dismiss. The motion was scheduled for hearing on October 23, 2004 at 2:00 p.m.

5. Complainant failed to appear on October 23 or to contact the Commission to explain her failure to appear. Respondent appeared *pro se*. The Commission was unable to locate Respondent's motion to dismiss and Respondent himself did not have a copy of it. As a result, Respondent was given leave to refile his motion. A new hearing on the motion was set for December 23, 2004 at 2:00 p.m.

6. Complainant failed to appear at the December 23 hearing on Respondent's motion.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled hearings has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

At the outset of this case, it appeared that Complainant was intending to pursue her claim diligently. However, without explanation, Complainant has failed to appear at three consecutive status hearings. That failure is particularly egregious in light of the fact that she

has been served with a written motion to dismiss. Her inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice. See ***Leonard and Solid Matter, Inc.***, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: January 3, 2005